

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GEARRON GRIFFIN,

Plaintiff,

v.

SUN CHEMICAL CORPORATION, et al.,

Defendants.

Case No. 1:10-cv-744

Beckwith, J.
Bowman, M.J.

ORDER

On April 25, 2012, Defendant Sun Chemical filed a motion to vacate deadline for Defendant's expert disclosures (Doc. 31).¹ The motion asserts the following:

On March 9, 2012, Plaintiff designated Dr. N.L. Patel and Dr. Lin Clemens as expert witnesses. (Doc. 29). Thereafter, on March 29, 2012, Defendants re-served Plaintiff with courtesy copies of Defendants' First Set of Interrogatories and First Request for Production, previously served on Plaintiff's former counsel, and asked that Plaintiff respond to the requests within 30 days.

Defendants' also served Plaintiff with a Notice to Take Oral Deposition, scheduling Plaintiff's deposition for May 11, 2012. Defendants further requested that Plaintiff sign the two Patient Authorization forms attached to Defendants' First Request for Production of Documents so that Defendant could subpoena and receive Plaintiff's medical records from Drs. Patel and Clemens in a timely matter.

Plaintiff failed to respond to Defendants' discovery requests and/or provide executed

¹ The motion is supported by the Affidavit of Sun Chemical's counsel Keisha-Ann Gray. (Doc. 31, Ex.1).

authorization forms. Counsel for Defendants has been unable to reach Plaintiff at his home number or the cell phone number provided by Plaintiff's former counsel to the Court. (See Doc. 28).

In light of the foregoing, Defendants ask the Court to set specific dates by which Plaintiff must respond to outstanding discovery requests and produce responsive documents and to also provide properly executed HIPAA authorization forms. Defendants' further ask the Court to vacate the April 30, 2012 deadline for disclosure of Defendants' expert witnesses in light of Plaintiff's failure to cooperate in discovery.

Upon careful consideration of the record, the Court finds Defendants' motion to be well-taken. Accordingly, the motion is and is **GRANTED** and it is hereby **ORDERED** that:

1. Plaintiff shall serve his responses to Defendants' outstanding discovery requests and provide Defendants with executed authorization forms no later than **May 4, 2012**, or in the alternative, prior to May 4, 2012, file a notice with the Court stating why he is unable to comply with that deadline.

2. The April 30, 2012 deadline for Defendants disclosure of expert witnesses is **VACATED**.

3. This matter is set for a status conference, by telephone, on **May 17, 2012 at 10:00 am**, at which time the Court will amend the Scheduling Order as necessary and address any additional outstanding issues.

Conference meeting telephone number: 1-888-363-4749
Access code: 8651321
Participant security code: 2010

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge